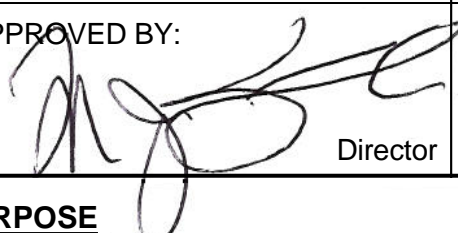




DEPARTMENT OF MENTAL HEALTH POLICY/PROCEDURE

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REPORTING SUSPECTED CHILD ABUSE AND NEGLECT	303.02	03/08/2012	1 of 5
APPROVED BY:  Director	SUPERSEDES 202.08 03/08/2012	ORIGINAL ISSUE DATE 10/08/1982	DISTRIBUTION LEVEL(S) 1

PURPOSE

- 1.1 To provide employees of the Los Angeles County - Department of Mental Health (LAC-DMH) with a policy and procedure regarding the responsibilities for reporting suspected child abuse and neglect under Sections 11164 through 11174.3 of the California Penal Code, Child Abuse and Neglect Reporting Act (hereafter referred to as CANRA, see Authority 1).
- 1.2 This policy is not intended to contain all elements of CANRA and associated regulations and does not substitute for the responsibility of LAC-DMH employees who are mandated reporters to know these regulations.

DEFINITIONS

- 2.1 **Mandated Reporters:** Mandated child abuse reporters include all those individuals and entities listed in Penal Code Section 11165.7 that include, but are not limited to:
 - 2.1.1 Administrators or employees of a public or private organization whose duties require direct contact and supervision of children.
 - 2.1.2 Physicians, psychiatrists, residents, psychologists, social workers, and licensed nurses.
 - 2.1.3 Marriage and family therapists, clinical social workers, or any persons licensed under Division 2, Section 500 of the Business and Professional Code.
 - 2.1.4 Registered, licensed-waivered psychologists, social workers, trainees, and interns.
- 2.2 **Categories of Reportable Child Abuse and Neglect:** Per the California Penal Code Sections 11165.1, 11165.5, and 11166.05:
 - 2.2.1 Sexual abuse, sexual assault, or sexual exploitation;
 - 2.2.2 Child neglect, negligent treatment or maltreatment, including acts and omissions on the part of the person responsible for the child's welfare;



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2.2.3 Willful harming or injuring of a child or endangering the health of a child;

2.2.4 Unlawful corporal punishment or injury;

2.2.5 Abuse or neglect in out-of-home care; and

2.2.6 Physical injury inflicted by other than accidental means.

2.3 **Child:** for the purpose of this policy the age definition for a child is 0 thru 18.

POLICY

3.1 LAC-DMH requires all mandated reporters to fully comply with legal requirements and ethical codes in reporting suspected child abuse and/or neglect.

3.2 Prior to commencing employment with LAC-DMH, all new staff shall be required to sign a LAC-DMH Child Abuse and Neglect Reporting Act Acknowledgement Form stating they have knowledge of CANRA and have received a copy of this policy.

PROCEDURE

4.1 A child abuse report must be filed by a mandated reporter when he/she has knowledge of, or observes a child in his/her professional capacity or within his/her scope of employment, whom he/she knows or reasonably suspects has been the victim of child abuse or neglect. Reasonable suspicion occurs when it is objectively reasonable for a person to entertain such suspicion, based on facts that could cause a reasonable person in a like position, drawing, when appropriate, on his/her training and experience, to suspect child abuse or neglect.

4.1.1 LAC-DMH employees who are mandated reporters per the definition in Section 2.1 shall make a report immediately, or as soon as is practically possible, by telephone, to the **Los Angeles County Child Protection Hotline (800-540-4000)**, the agency designated to receive child abuse reports. In addition, child abuse reports may also be made to any police or sheriff's department. If there appears to be an imminent risk to the child, the police or sheriff's department should be contacted immediately, or as soon as is practically possible, by telephone:

Los Angeles Police Department – Abused Child Unit – 213-486-0530
Los Angeles County Sheriff's Department – 562-946-8531



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- 4.1.2 **A Suspected Child Abuse Report form** (SCAR SS8572, Attachment 1) shall be completed and mailed or faxed within 36 hours. A supply of SCAR forms may be ordered by calling the **Child Protection Hotline number (800-540-4000)**.

Note 1: Although the Child Protection Hotline encourages mandated reporters to report electronically on their web site, LAC-DMH has determined that, under the Federal Health Insurance Portability and Accountability Act (HIPAA), LAC-DMH employees must refrain from the electronic submission of client Protected Health Information (PHI) until further safeguards are in place. Current procedure specifies completing the SCAR form and faxing it to the Los Angeles County Child Protection at 213-742-7047.

Note 2: If a referral is given an Immediate or Five-Day response time by the Child Protection Hotline, a Children's Services Worker (CSW) will be assigned to investigate the allegations. The reporter will be given the name of the Department of Children and Family Services (DCFS) regional office where the referral is assigned. Allegations of physical and sexual abuse, severe neglect, and children felt to be at substantial risk, will be cross-reported by DCFS.

- 4.1.3 Although LAC-DMH staff members who are not mandated reporters are not required to report cases of suspected child abuse, they should consult with mandated reporters upon suspecting child abuse. They may not be prohibited from filing a report.
- 4.2 No supervisor or administrator may impede or inhibit a report or subject the reporting person to any sanction.
- 4.2.1 When two (2) or more mandated reporters are present and jointly have knowledge of a suspected instance of child abuse, and where there is agreement among them, the reporting requirements may be carried out by a member of the team selected by mutual consent. Any member who has knowledge that the designated member has failed to report shall make the required report.
- 4.3 A copy of the completed and signed SCAR must be retained at the clinic site but **should not be filed in the clinical record**. The copy should be given to the program manager to be placed in a separate, locked, confidential administrative file accessible only by the program manager and his/her designee.



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- 4.3.1 A brief progress note in the clinical record may be written to state simply that on that date a report was made. Any clinical relevance related to the abuse allegations may be documented as well.
- 4.4 The reporting of child abuse and neglect is a disclosure subject to the accounting requirements of PHI under HIPAA (DMH Policy No. 501.03 – Accounting of Disclosures of Protected Health Information, see Authority 3) and should be disclosed on the Account Tracking Sheet (Attachment 2), which shall be maintained on the very top of the Correspondence Section of the clinical record.
- 4.5 **Legal Liabilities and Immunities**
(Per CANRA and California Government Code as stated)
- 4.5.1 Any mandated reporter who fails to report an incident of known or suspected child abuse or neglect is guilty of a misdemeanor punishable by up to six (6) months confinement in a County jail or by a fine of one thousand dollars (\$1,000).
- 4.5.2 No mandated reporter who reports a suspected incident of child abuse or neglect shall be held civilly or criminally liable for any report required and authorized by the Child Abuse and Neglect Reporting Act, even if the mandated reporter acquired such knowledge outside of his/her professional capacity.
- 4.5.2.1 This immunity does not eliminate the possibility that actions may be brought against a person based on those reports; therefore, a mandated reporter may present a claim to the State Board of Control for reasonable attorney fees and costs incurred by any action based on making the required report.
- 4.5.2.2 California Government Code, Section 825, states that (County) employees are covered (i.e., provided a defense) for claims and actions for any injury arising by reason of the employee's action or omission occurring within the course and scope of his employment. In this case, the coverage is for taking action and reporting suspected child abuse or neglect. Omission in this case is not covered as any mandated reporter who fails to report an incident of known or suspected child abuse or neglect is guilty of a misdemeanor.



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4.5.3 The responsibility to report supersedes the other State codes including, but not limited to:

4.5.3.1 Physician and psychotherapy privileges; and

4.5.3.2 Welfare and Institutions Code, Section 5328, governing the disclosure and release of psychiatric information.

AUTHORITY

1. California Penal Code, Child Abuse and Neglect Reporting Act (CANRA.)
2. Welfare and Institutions Code, Section 5328, governing the disclosure and release of psychiatric information
3. DMH Policy No. 501.03 – Accounting of Disclosures of Protected Health Information
4. California Government Code

ATTACHMENTS (Hyperlinked)

1. [Suspected Child Abuse Reporting Form \(SCAR#SS8572\)](#)
2. [LAC-DMH Account Tracking Sheet, Attachment 2 from DMH Policy No. 501.03, Accounting of Disclosures of Protected Health Information](#)

RESPONSIBLE PARTY

LAC-DMH Children's System of Care